

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Prior application: Examiner Sara W. CraneArt Unit 2811

Commissioner for Patents  
P.O. Box 1450  
Mail Stop PATENT APPLICATION  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of pending prior application no. 10/117,696 filed on April 4, 2002.

of Alexey V. Ustinov

(inventor(s) currently of record in prior application)

for FLUXON INJECTION INTO ANNULAR JOSEPHSON JUNCTIONS

(title of invention)

1. ☒ The filing fee is calculated below:

**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	10	- 20	0	\$18.00 each	\$ 0.00
Independent	1	- 3	0	\$84.00 each	\$ 0.00
Minimum Fee					\$ 750.00
Multiple Dependency Fee					
If Applicable (\$280.00)					\$ 0.00
<b>Total</b>					\$ 750.00
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$ 375.00
<b>Total Filing Fee</b>					\$ 375.00

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3. ☒ Amend the specification by inserting before the first line the following sentence: This is a division of application no. 10/117,696, filed April 4, 2002.
- 4a. ☐ New formal drawings are enclosed.
- 4b. ☐ Informal drawings are enclosed.
- 5a. ☒ Priority of application no. 60/283,477 filed on April 11, 2001 is claimed under 35 U.S.C. §119.

- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☒ The prior application is assigned of record to D-Wave Systems, Inc. (copy enclosed).
- 7a. ☒ A copy of the Declaration and Power of Attorney filed in the prior application no. 10/117,696, filed April 4, 2002, is enclosed.
- 7b. ☒ A Transfer of Power of Attorney is enclosed.
8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10. ☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
11. ☒ Additional enclosures or instruction:  
~~1. Please cancel claims 11-92.~~  
 2. Information Disclosure Statement and List of Reference Cited enclosed.  
 3. Copy of parent specification and drawings enclosed.

Date September 26, 2003

Respectfully submitted,

*Brett Forayon* Reg. No. 42,813  
 31,066  
 (Reg. No.)  
 Gary S. Williams  
 PENNIE & EDMONDS LLP  
 3300 Hillview Avenue  
 Palo Alto, California 94304  
 (650) 493-4935

Please type a plus (+) inside this box ☐

PTO/SB/05 (03-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>		<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 33%;">Attorney Docket No.</td><td style="width: 33%;">11090-064-999</td><td style="width: 33%;">Total Pages</td><td style="width: 33%;"></td></tr><tr><td colspan="4" style="text-align: center;">First Named Inventor or Application Identifier:</td></tr><tr><td colspan="4">Alexey V. Ustinov</td></tr><tr><td>Express Mail Label No.</td><td colspan="3">EV 313 841 722 US</td></tr></table>	Attorney Docket No.	11090-064-999	Total Pages		First Named Inventor or Application Identifier:				Alexey V. Ustinov				Express Mail Label No.	EV 313 841 722 US			
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Alexey V. Ustinov																			
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<b>APPLICATION ELEMENTS</b> <i>See MPEP chapters 600 concerning utility patent application contents.</i>		<b>Address to:</b> Commissioner for Patents P.O. Box 1450 Mail Stop PATENT APPLICATION Alexandria, VA 22313-1450																	
<div style="display: flex; flex-direction: row;"><div style="flex: 1;"><p>1. <input checked="" type="checkbox"/> Fee Transmittal Form <i>(Submit an original, and a duplicate for fee processing)</i></p><p>2. <input checked="" type="checkbox"/> Applicant claims Small Entity status, see 37 C.F.R. § 1.27</p><p>3. <input checked="" type="checkbox"/> Specification (copy from parent application) [Total Pages 19] <i>(preferred arrangement set forth below, MPEP 1503.01)</i> - Descriptive title of the Invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R&amp;D - Reference to Microfiche Appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description of the Invention (including drawings, if filed) - Claim(s) - Abstract of the Disclosure</p><p>4. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 12]</p><p>5. <input checked="" type="checkbox"/> Oath or Declaration [Total Sheets 2] <div style="margin-left: 20px;"><p>a. <input type="checkbox"/> Newly executed (original or copy)</p><p>b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> <div style="margin-left: 20px;"><p>i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</p></div></p></div></p><p>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p></div><div style="flex: 1; border-left: 1px solid black; padding-left: 10px;"><p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p><p>8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> <div style="margin-left: 20px;"><p>a. <input type="checkbox"/> Computer Readable Form (CRF)</p><p>b. <input type="checkbox"/> Specification Sequence Listing on: <div style="margin-left: 20px;"><p>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</p><p>ii. <input type="checkbox"/> paper</p></div></p><p>c. <input type="checkbox"/> Statement verifying identity of above copies</p></div></p></div></div>		<b>ACCOMPANYING APPLICATION PARTS</b> <div style="display: flex; flex-direction: row;"><div style="flex: 1;"><p>9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p><p>10. <input checked="" type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i></p><p>11. <input type="checkbox"/> English Translation Document (if applicable)</p><p>12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p><p>13. <input checked="" type="checkbox"/> Preliminary Amendment</p><p>14. <input type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i></p><p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i></p><p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or it's equivalent</p><p>17. <input type="checkbox"/> Other:</p></div></div>																	
<p><b>18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:</b></p> <p><input type="checkbox"/> Continuation    <input checked="" type="checkbox"/> Divisional    <input type="checkbox"/> Continuation-in-part (CIP)    of prior application No.: 10/117,696 filed April 4, 2002.</p> <p>Prior application information:                      Examiner: Sara W. Crane                      Group Art Unit: 2811</p> <p><b>For CONTINUATION OR DIVISIONAL APPS only:</b> The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.</p>																			
<b>19. CORRESPONDENCE ADDRESS</b>																			
<div style="display: flex; align-items: center;"><div style="flex: 1;"><input checked="" type="checkbox"/> Customer Number</div><div style="flex: 2; border: 1px dashed black; padding: 5px; text-align: center;">24341 <i>Insert Customer No.</i></div><div style="flex: 1; text-align: right;">or <input type="checkbox"/> Correspondence address below</div></div>																			
<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 20%;">NAME</td><td colspan="3"></td></tr><tr><td>ADDRESS</td><td colspan="3"></td></tr><tr><td>CITY</td><td style="width: 20%;">STATE</td><td style="width: 20%;">ZIP CODE</td><td></td></tr><tr><td>COUNTRY</td><td>TELEPHONE</td><td>FAX</td><td></td></tr></table>				NAME				ADDRESS				CITY	STATE	ZIP CODE		COUNTRY	TELEPHONE	FAX	
NAME																			
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TELEFACSIMILE LETTER FROM  
JONES DAY222 East 41<sup>st</sup> Street  
New York, New York 10017-6702  
Telephone Number (212) 326-3939  
Fax Nos.: (212) 755-7306TO: Examiner Sara W. Crane  
U.S. Patent and Trademark Office

FAX NO.: 1-571-273-1652

FROM: Brett Lovejoy, Reg. No. 42,813

PAGES: 4 + Cover Sheet

DATE: July 14, 2004

If you have any problems receiving this document, please telephone the sender at  
(415) 875-5744.

U.S. Patent Application No. 10/671,651

Art Unit: 2811

Application of: Ustinov

Confirmation No.: 1350

Filed: September 26, 2003

Examiner: Sara W. Crane

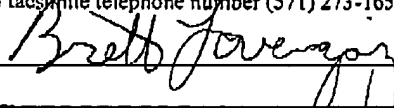
For: FLUXON INJECTION INTO  
ANNULAR JOSEPHSON  
JUNCTIONSAttorney Docket No.: 706700-999159  
(formerly 11090-064-999)OFFICIAL FILING

Transmitted herewith is the following document in connection with the above-identified patent application:

1. Preliminary Amendment with List of Pending Claims - 4 pages

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on July 14, 2004 to facsimile telephone number (571) 273-1652.



Brett Lovejoy

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**VIA FACSIMILE TO FAX NO. 571-273-1652**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Ustinov

Confirmation No.: 1350

Application No.: 10/671,651

Group Art Unit: 2811

Filed: September 26, 2003

Examiner: Sara W. Crane

For: FLUXON INJECTION INTO  
ANNULAR JOSEPHSON  
JUNCTIONS

Attorney Docket No.: 706700-999159  
(formerly 11090-064-999)

**SECOND PRELIMINARY AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This paper submits a list of the claims currently pending in the above-referenced application. Please consider the following claim amendments and remarks.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks** begin on page 4 of this paper.